



Children's Wellbeing and Schools Bill: submission to Public Bill Committee

February 2025

About the Autism Alliance UK

The Autism Alliance UK represents specialist organisations in the not-for-profit sector that support autistic people and their families. Our submission to the Public Bill Committee focuses on the provisions in the Children's Wellbeing and Schools Bill relating to the register of children not in school.

Summary

We have significant concerns about the unintended consequences of the provisions in the Bill relating to the register of children not in school, for autistic children and young people, and their families.

Safeguarding must be a top priority. But without provision for flexibility and understanding of individual context, and a clear understanding of when and why flexibility can be required, a blanket policy on school attendance risks damaging the wellbeing and prospects of many autistic children and young people, even as it has the potential to increase attendance amongst others. On this basis we strongly urge the Government to consider additional guardrails which mitigate these risks and maximise the chances that autistic children and young people can experience a positive education that enables them to develop and progress.

Background

Autism is a different way of communicating and experiencing the world, enabled by differences in brain functionⁱ. Autistic children, young people and adults represent a significant part of the population: latest estimates of autism prevalence are higher than 20 years ago, at between 1 and 2 in 100, and over 1 million people in the country are estimated to be autisticⁱⁱ.

Autistic people have personalities, strengths, and needs like every other person, but face barriers every day because the world is not designed to reflect the ways in which they are different. These differences include sensory sensitivity, approaches to communication, and differences in executive

function. Because of the barriers they face, autistic people experience a routinely high level of anxiety which can lead to poor mental healthⁱⁱⁱ and burnout^{iv}.

Looking at outcomes for autistic children, young people and adults now, and comparing this with outcomes twenty years ago, very little has changed, despite the Autism Act in 2009, successive Government autism strategies, and many commitments^v. Autistic people still experience stigma, misunderstanding^{vi} and a lack of support and adaptation. As a result, the most recent data shows that only 26% of autistic children are happy at school^{vii}; almost 80% of autistic people will experience poor mental health in their lives, the highest of any group^{viii}; only 3 in 10 autistic adults are in paid employment^{ix}; and 77% of autistic adults reach crisis point while waiting for care and support to be provided^x. With 1 in 4 autistic children subject to school exclusion^{xi}, it is clear that strategies and commitments have fallen far short of their intentions.

Autism and other types of neurodiversity raise fundamental questions for the provision of education in this country – especially so given awareness of autism in particular is now practically universal across society and the clinical profession.

Research by Newcastle University in 2023 with almost 1,000 parents explored the incidence of distress as a barrier to school attendance and found that 92.1% of children and young people currently experiencing school distress were described as neurodivergent, and 83.4% as autistic^{xii}. This reinforces what anecdotal evidence from parents already makes clear but nevertheless should be a wake-up call to policymakers and education leaders.

The importance of meeting needs

Some autistic children and young people have needs which can only be met in specialist education settings. The Government has already set out its intention that the majority of children should be in mainstream schools – but to ensure the safety and wellbeing of children with higher levels of need, and the wellbeing of their families, it is vital that the Government plans for the right number of special school places, and does not discriminate arbitrarily against the specialist sector.

In mainstream education, many autistic children and young people find crowded school environments distressing^{xiii}. Some need more time for activities, more regular breaks, or a shorter school day^{xiv}. Many will need rules and requirements relaxing to maintain the level of wellbeing required to learn – for example, on school uniform, or on the use of fidget toys^{xv}.

The cost of meeting these needs is typically small^{xvi}, and the impact is huge: autistic children and young people can thrive, learn and develop, rather than retreating from the world amidst a barrage of distress, damage to mental health, and for many the onset of crisis. This reflects the underlying truth that wellbeing and happiness are the foundation for learning, and that when children and young people's needs are met, they will be able to learn, and will want to learn^{xvii}.

Yet education continues to be delivered according to a rigid, inflexible model, where the talent of individual teachers in creating inclusive environments is frequently either ignored or disallowed, and the fundamental importance of happiness is ignored in favour of increasingly punitive measures on behaviour and attendance. In this context, it is no wonder that 71% of autistic children have experienced some form of lost learning^{xviii} – many are unlawfully excluded from school using informal processes^{xix}, some are permanently excluded^{xx}, and a rapidly rising number are educated at home.

It shouldn't need to be said that the barriers faced by autistic children and young people can't be overcome by effort and will. Autism isn't a personal choice; it is a physical reality. Neither is autism a

weakness or deficit: it is a different way of being human, and one which education, of all services, should recognise, respect and adapt to.

In most cases, nobody wants to be in school more than the autistic child for whom school has been made inaccessible; the barrier is created by the system, whose rigidity, lack of knowledge and lack of understanding too often makes it impossible for them to attend. A small amount of flexibility can open doors for an individual, and for an entire cohort of keen, bright, honest and hard-working children and young people who often have huge ambitions for how they can have a positive impact in the world.

Equally, it is vital to recognise that withdrawing autistic children and young people from school is not something that any parent or carer takes lightly. For many, it is not a choice but the only option – and is rarely without a significant struggle to have simple and reasonable adjustments put in place. But the existence of that option, and its use to protect the wellbeing and future life chances of a child, is essential.

The risks of provisions in the Bill

In this context, without additional guardrails in place, the provisions in the Bill relating to the register of children not in school will create major risks for autistic children and young people. These include:

- Local authorities forcing autistic children to attend school when it is not in their best interests to be in a mainstream school environment which is unable to meet their needs. In many cases this will have followed an exclusion or breakdown of communication with school and local authority, creating a destructive downward cycle costing time, money, and crucially, the mental health of the child or young person concerned.
- Mandatory home visits undermining the safety and carefully planned structure of a home learning environment for an autistic child or young person.
- Professionals able to overrule parents and decide what is in an autistic child or young person's 'best interests' despite a fundamental imbalance in knowledge, both of autism/neurodivergence and of the individual child or young person.
- Decisions about what constitutes a 'a suitable education' being taken by those deeply invested in the very system that is inaccessible to those it should support.

The Government's focus on increasing school attendance is understandable, and it is clearly important to acknowledge that some children are out of school for reasons not connected with clinically identified differences such as autism and other types of neurodivergence. However, even for these groups, disassociating the policy response from the individual social and economic context, and the wide range of other services and supports required to address deep barriers in children's lives, will not serve children's interests.

From the perspective of autistic children and young people, to impose an arbitrary and punitive approach to attendance - without flexibilities, and without acknowledgement of individual context, the fundamental importance of the family unit, and the experiences and perspectives of parents and carers – would be to misunderstand the nature of the barriers they face.

Furthermore, the idea that a mainstream school is automatically best for autistic children and young people simply does not accord with the evidence. There could come a point in the future when this is true – but for now, the overwhelming evidence from parents of autistic children could not be clearer that in a large number of cases, the mainstream education system is not able to demonstrate its superiority to other modes of learning. Because of its shortcomings it too often drives poorer wellbeing and distress^{xxi}, leading to lower attainment and lower prospects, and ultimately creates a

scenario where many autistic children and young people require high and costly levels of support for the rest of their lives. Without fundamental reform and fresh thinking, the case to be cautious about blanket approaches to attendance, and about any assertion that ‘mainstream is best’, is very strong.

So many national policies disadvantage individual groups because they take a blunt, one-size-fits-all approach – and yet there are many examples of where allowing flexibility at a local or school level has clearly been the right approach for an individual autistic child and their family^{xxii}.

The Government has an opportunity to show it understands this point, and to acknowledge that while there may well be gains across the entire cohort of children and young people, a blanket policy on attendance will only entrench the severe and unacceptable inequalities autistic children and young people already face. The imperative to ensure safeguarding is fully understood. But a balanced policy, not a blanket policy, is required - and the idea of forced entry into an unsuitable educational setting through the hounding of already traumatised families shows not only a worrying lack of awareness of safeguarding but also, ironically, increased chances of deeper damage for these already vulnerable children and young people. Throwing all the weight behind local authorities and schools to enforce attendance in a resource-starved environment, without other balancing provisions and wider reforms, is ill-advised and very likely to be damaging.

What the Government should do

The Government has, to its credit, recognised the importance of wellbeing in education. It should follow through on this by ensuring that as part of the policy on attendance enacted through this Bill, appropriate guardrails are built into the system to mitigate the considerable risks to autistic and other neurodivergent children and young people. This should include:

- A requirement to consider whether autistic children and young people are receiving adequate education, as a precursor to the process of drawing up the register of children not in school. This should focus on whether these children’s needs are being met, and the impact of this on their wellbeing and ability to learn.
- Ensuring an appropriate level of knowledge and understanding of autism and neurodivergence amongst local authority and school staff who are given new or stronger powers and duties. Training on autism and neurodivergence should be mandatory, and retained knowledge of this, together with appropriate practice, should be tested through the regulatory system.
- Producing statutory guidance on the factors local authorities and schools must consider when making decisions about the best interests of a child or young person, and which reflect the physical reality of autism and other types of neurodivergence.
- A requirement on local authorities to involve families and children in drawing up the register of children not in school. This should not be tokenistic – the process of creating the register should itself be a means of engaging systematically and meaningfully with families.

Most importantly of all, for the provisions in the Bill to deliver better outcomes for autistic children and young people, and others who are neurodivergent, while achieving their aim of increasing school attendance, they need to be part of a wider reform of SEND in education which is properly funded, which implements an inclusive approach to education based on achieving wellbeing and happiness as the foundation of effective learning, and which is supported and reinforced by the curriculum, assessment and regulatory system. Crucially, this should include a new approach to the identification of neurodivergent strengths and needs in early life, integrated across health and education, so that recognising and meeting these needs becomes the default for mainstream education, and so that the process of clinical diagnosis is not a requirement and therefore a barrier, but an enabler.

Conclusion

Without additional guardrails in place along with wider reform of our education system, the provisions in the Children's Wellbeing and Schools Bill relating to attendance create considerable risks for autistic children and young people. If implemented as proposed, within the current schools and SEND system, the provisions are likely to fail both these children and young people, and their families.

Equally, from a scientific standpoint to press ahead with the plans as current constituted without modification would be to deny the physical reality of autism, neurodivergence and school distress, and to ignore the advances in understanding of neurodiversity we have seen in the past 20 years.

The Government's pursuit of high and rising standards in education is understandable but needs a much stronger grounding in the pursuit of wellbeing and happiness, as is already understood by so many inspirational teaching professionals. The role of education is not to force all children into the same inflexible channel, but to enable them to thrive, to learn, to develop as individuals; and as a result, to be fulfilled and productive people. Autistic children and young people are not in school because provision in school is not accessible to them. Arbitrary and punitive measures delivered by schools and local authorities are not the answer and, as well as further damage to lives, will generate more pressure and greater costs for other services.

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